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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,267	10/09/2003	Wilhelmus J. M. Diepstraten	37310-000165/US/DVB	5988

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MENDELSON AND ASSOCIATES PC
1515 MARKET STREET
SUITE 715
PHILADELPHIA, PA 19102

EXAMINER

BOCURE, TESFALDET

ART UNIT PAPER NUMBER

2631

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/681,267	Applicant(s) DIEPSTRATEN ET AL.	
	Examiner Tesfaldet Bocure	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7, 16-47 and 56-82 is/are allowed.
- 6) ☐ Claim(s) 8, 14, 48 and 54 is/are rejected.
- 7) ☐ Claim(s) 9-13, 15, 49-53 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/9/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The Examiner has approved the Information Disclosure Statement received on October 9, 2003 and the initialed copy of the IDS (one copy) is attached with this correspondence.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 10, 14, 48 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (US patent number 4,745,408) in view of Holden et al. (US patent number 5,255,291).

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Nagata et al. (Nagata hereinafter) teaches a transmission system having a transmitter (fig.1) for transmitting a synchronization signal generated (38) according to the timing signal generator (34) having an inherent count value for synchronizing the receiver (fig.3).

What Nagata fails to teach is that the synch signal as being a time stamp and the loading of the time stamp after the header field as in claims 8 and 48.

Holden for the same endeavor as the instant application and that of Nagata teaches a communication system having a transmitter for generating a time stamp having a count value (see col. 14, lines 45-56) for synchronizing the receiver, wherein the receiver is loaded to the packet after the header and the header identifying the type of data to be transmitted (as in claims 14 and 54). See fig. 9 and starting col. col. 12, line 35 through col. Col. 14, line 68.

Therefore, it would have been obvious to one of an ordinary skill in the art to use the time stamp of Holden in the transmitter of Nagata for synchronizing the transmitter with that of the receiver at the time the invention was made.

Allowable Subject Matter

5. Claims 1-7,16-47 and 63-81 are allowed.
6. Claims 9-13,15, 49-53 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

REASONS FOR ALLOWANCE

7. The following is an examiner's statement of reasons for allowance: The claimed subject matter in claims 1-7, 16-47, and 56- 82 is allowable because the arts of record fail to teach or fairly suggest the claimed: "A method of transmitting data from a transmitter having a timer that counts up to n counts and a modem, comprising: periodically transmitting a transmission signal that includes a timestamp field, the timestamp field including a timestamp for synchronizing a receiver timer with the transmitter timer, ***wherein the timestamp represents a value within the count sequence of the timer and wherein, the timestamp accounts for delays in the modem***: as in claim 1."

A method of transmitting data from a transmitter having a timer that performs a count sequence up to n counts, comprising: periodically transmitting a transmission signal that includes a header field and a timestamp field, such that the header field is transmitted before the timestamp field; and Loading, after the transmission of the header field begins, a timestamp into the timestamp field of the transmission signal, ***wherein the timestamp represents a value m within the count sequence of the timer, the time stamp accounting for delays in the modem as in claim 22.***

"A method of transmitting data from a transmitter in a wireless Local area network, comprising: periodically constructing, in response to a timer that counts up to n counts, a transmission signal that includes a timestamp field, ***running a protocol to determine whether the network is busy,***

Loading a timestamp, based upon a value m of the timer, into the timestamp field of the transmission signal if the running step determines the network is not busy, and transmitting the transmission signal containing the timestamp as in claims 16, 28 and 34.”

A transmitter comprising: a transmitter timer that counts up to n counts, a transmitter modem; and a controller controlling the modem to periodically transmit a transmission signal that includes a timestamp field, the timestamp field including a timestamp for synchronizing a receiver timer with the transmitter timer, ***wherein the timestamp is based upon a value m of the timer, the timestamp accounting for delays in the transmitter modem*** as in claim 41.”

A transmitter in a wireless Local area network, comprising: a timer that counts up to n counts, and a controller that controls periodic construction, in response to the timer, of a transmission signal that includes a timestamp field, **running a protocol to determine whether the network is busy,**

Loading of a timestamp, based upon a value m of the timer, into the timestamp field of the transmission signal if the running step determines the network is not busy, and transmission of the transmission signal containing the timestamp as in claims 56,68,74 and 78.”

A transmitter, comprising: a transmitter timer that performs a count sequence up to n counts, a transmitter modem, and a controller controlling periodic transmission of a transmission signal that includes a header field and a timestamp field, such that the header field is transmitted before the timestamp field, and controlling Loading, after the

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transmission of the header field begins, of a timestamp into the timestamp field of the transmission signal, the timestamp for synchronizing a receiver timer with the transmitter timer, ***wherein the timestamp represents a value m within the count sequence, the timestamp accounting for delays in the transmitter modem*** as in claim 63

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent numbers 4,569,042, 4,731,768, 4,920,534, 5,052,029, 5,371,733, 5,485,632, 5,530,915 and 6,707,867 issued to Larson, Easterday, Adelman, James, Denneau et al., Ng et al., Shaughnessy et al., and Diepstraten respectively disclose a transmission system having a transmitter for transmitting timestamp for synchronizing the receiver.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

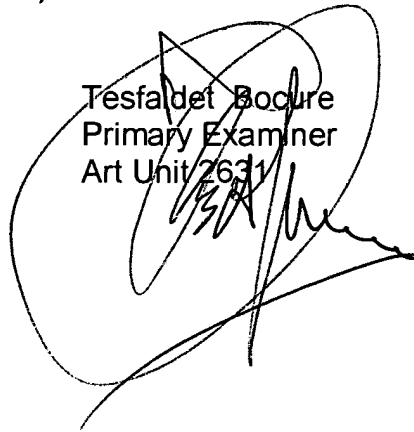
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tesfaldet Bocure
Primary Examiner
Art Unit 2631

T.Bocure

A large, stylized handwritten signature in black ink, which appears to be 'Tesfaldet Bocure', is written over the printed name and title of the Primary Examiner.